

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

August 19, 2008

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Scott McCormick

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Minister LaJohn McDonald from Easthaven Church of Christ. Councilwoman Fullilove presented Minister McDonald with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

47. RESOLUTION HONORING STAFF AT CHARLIE MORRIS POOL.

MOTION: Fullilove
SECOND: Collins

APPROVED, by unanimous voice vote

48. RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF OAK STREET FOR REVEREND DR. JAMES S. WHITE.

MOTION: Ford
SECOND: Brown

APPROVED, by unanimous voice vote

42. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE SOUTHEAST CORNER OF POPLAR AVENUE AND INTERSTATE 240, CONTAINING 28.38 ACRES IN AN AREA CURRENTLY GOVERNED BY PD 90-312.**

Case No. PD 90-312

Chairman McCormick recognized the following persons who spoke from the audience:

June Payne, 5853 Park Avenue, Mphs, TN 38119
Buck Wellford, 165 Madison Avenue, Mphs, TN 38103

Appellant: WRI Ridgeway, LLC
Buckner Wellford – Representative

Request: Appeal provisions of the Land Use Control Board decision on
6/12/08 which approved a revised site plan for the Ridgeway
Trace Planned Development, subject to conditions

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD

MOTION: Lowery
SECOND: Morrison
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and McCormick

APPROVED, as amended

35. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE EAST SIDE OF COOPER STREET; +45 FEET NORTH OF WALKER AVENUE, CONTAINING 0.304 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT.** (Held from 8/5)

Case No. SUP 08-221

Applicant: Kristina Ryan
Charles Ryan – Representative

Request: Use of a portion of a church parking lot (1006 S. Cooper St.) in
the C-L District to meet the required parking for a restaurant with
alcohol sales (937 S. Cooper St.) in the C-H District

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Lowery
SECOND: Morrison
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED

CONSENT AGENDA – Items 1-8 & 49 may be acted upon by one motion: SEE PAGE 2603 FOR ROLL CALL

1. **ORDINANCE TO AMEND PREVIOUS ORDINANCE NO. 4388, CODIFIED AS CITY CODE, TITLE 6, CHAPTER 6-92, SECTION 6-92-1, ET. SEQ., SO AS TO REVISE SECTION 6-92-11, SUBSECTION (A) TO ALLOW SAID TITLE 6, CHAPTER 6-92 TO REMAIN IN FULL AND EFFECT UNTIL DECEMBER 31, 2008, UP FOR S E C O N D READING.**

Ordinance No. 5270

APPROVED, on Second reading

2. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES, CITY OF MEMPHIS, BY AMENDING SECTION 2-228 (ASPHALTIC BINDER PAVING OF STREETS CONSTRUCTED AS PART OF STANDARD IMPROVEMENT CONTRACTS; COSTS), TO INCLUDE THE REQUIREMENT FOR PROVISION OF THE SURFACE COURSE OF PAVEMENT AND STREET STRIPING BY THE DEVELOPER AND TO IMPLEMENT A WARRANTY REQUIREMENT FOR THE INFRASTRUCTURE CONSTRUCTED AS PART OF THE CITY STANDARD IMPROVEMENT CONTRACT, SO AS TO ENHANCE THE LONG-TERM STABILITY AND DURABILITY OF ROADWAYS BEING CONSTRUCTED, UP FOR S E C O N D READING.**

Ordinance No. 5271

APPROVED, on Second reading

3. **ORDINANCE REZONING THE EAST SIDE OF QUINCE ROAD; +/-60 FEET NORTH OF KIRBY GATE BOULEVARD, CONTAINING 5.878 ACRES IN THE SINGLE FAMILY RESIDENTIAL FLOOD PLAIN (R-S10{FP}) AND FLOODWAY (FW) DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5273

Case No. Z 07-118

Companion Case: PD 07-331

APPROVED, on First reading

4. **ORDINANCE REZONING THE SOUTHEAST CORNER OF JAMES ROAD AND NEW RALEIGH ROAD, CONTAINING 2.1997 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) AND AGRICULTURAL (AG) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5274
Case No. Z 08-105

APPROVED, on First reading

5. **RESOLUTION APPROVING FINAL PLAT OF BLUFF CITY BUSINESS PARK SUBDIVISION.**

Case No. S 07-019
Contract No. CR-5112

Resolution approves the final plat located on the southeast corner of Getwell and Mallory Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

6. **RESOLUTION APPROVING FINAL PLAT OF WHITNEY-OVERTON CROSSING C-P, PHASE 3.**

Case No. Z 85-106
Contract No. CR-5113

Resolution approves the final plat located at the corner of Whitney and Clifton. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

APPROVED

7. **RESOLUTION APPROVING FINAL PLAT OF MEMPHIS INTERMODAL FACILITY DRAINAGE IMPROVEMENTS FOR STREET CLOSURES.**

Contract No. CR-5114

Resolution approves the final plat located on the north side of U.S. Highway 78 at the intersection of Pleasant Hill Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

8. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 08-317 – Crumpler Park P.D., Amended
- B. Case No. PD 08-318 – Appling/I-40 P.D.
- C. Case No. PD 07-334 – Evergreen Senior Living P.D.

Public Hearing set for September 9, 2008

49. **ORDINANCE TO AMEND TITLE 6, CHAPTER 6-80, ARTICLE 7, SECTION 6-80-50 OF THE CODE OF ORDINANCES TO ESTABLISH A TEMPORARY FUEL SURCHARGE FOR THE TAXICAB INDUSTRY, UP FOR F I R S T READING.**

Ordinance No. 5275

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Collins
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown did not cast a vote

APPROVED

MLGW FISCAL CONSENT – Items 10-22 may be acted upon by one motion:

10. **RESOLUTION AWARDDING CONTRACT NO. 11282, EROSION REVETMENT MATTING INSTALLATION, TO SUBMAR, INC. IN A FUNDED AMOUNT NOT TO EXCEED \$40,857.00.**

APPROVED

11. **RESOLUTION AWARDDING CONTRACT NO. 11286, SHEAHAN PUMPING STATION HVAC UPGRADE, TO CS3, INC. IN A FUNDED AMOUNT NOT TO EXCEED \$96,400.00**

APPROVED

12. **RESOLUTION AWARDDING CONTRACT NO. 11288, LICHTERMAN FILTER MEDIA REPLACEMENT, TO GRINDER BUILDING CORPORATION IN A FUNDED AMOUNT NOT TO EXCEED \$292,950.00.**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 10923, WORKERS' COMPENSATION CLAIMS ADMINISTRATOR, WITH BRENTWOOD SERVICES IN THE AMOUNT OF \$13,000.00, WITH NO INCREASE IN FEES. (THIS EXTENDS THE CURRENT CONTRACT TERM EFFECTIVE SEPTEMBER 1, 2008 TO NOVEMBER 30, 2008.)**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10924, PROFESSIONAL INVESTIGATING SERVICES, WITH CDA, INC. IN THE FUNDED AMOUNT OF \$130,870.00. (THIS EXTENDS THE CURRENT CONTRACT FOR A 90-DAY PERIOD, OCTOBER 1, 2008 TO DECEMBER 31, 2008.)**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11071, EMERGENCY AID AGREEMENT, WITH DAVIS H. ELLIOT CONSTRUCTION COMPANY, INC. IN THE FUNDED AMOUNT OF \$290,580.88. (THIS COVERS REIMBURSEMENT OF EXPENSES FOR LABOR, EQUIPMENT AND MEALS RESULTING FROM THE STORM OF FEBRUARY 5, 2008.)**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11276, EMERGENCY STORM RESTORATION, WITH CITY UTILITIES IN THE FUNDED AMOUNT OF \$90,790.22. (THIS COVERS EMERGENCY RESTORATION EXPENSES RESULTING FROM THE STORM OF FEBRUARY 5, 2008.)**

APPROVED

17. **RESOLUTION AWARDDING CONTRACT FOR NASCO RAIN WEAR TO CARE SAFETY, LLC IN THE AMOUNT OF \$35,457.44.**

APPROVED

18. **RESOLUTION AWARDDING CONTRACT FOR SCOTSMAN ICE MACHINES AND STORAGE BINS TO FEDERAL EQUIPMENT DEALERS, INC. IN THE AMOUNT OF \$25,825.00.**

APPROVED

19. **RESOLUTION AWARDDING CONTRACT FOR WOODEN DEAD-END ASSEMBLIES TO HD SUPPLY UTILITIES, LTD IN THE AMOUNT OF \$41,000.00.**

APPROVED

20. **RESOLUTION APPROVING EXERCISE OF OPTION TO EXTEND CONTRACT WITH FULLEN DOCK AND WAREHOUSE FOR AN ADDITIONAL 12-MONTH PERIOD FOR FURNISHING CRUSHED LIMESTONE IN THE AMOUNT OF \$709,000.00.**

APPROVED

21. **RESOLUTION APPROVING CONTRACT NO. 00070401 BETWEEN TVA AND MLGW TO SUPPORT INDUSTRIAL RECRUITMENT, DEVELOPMENT AND EXPANSION OF BUSINESS AND INDUSTRY IN THE MEMPHIS/SHELBY COUNTY AREA, WHEREBY MLGW WILL MAKE PAYMENT TO THE MEMPHIS REGIONAL CHAMBER IN THE AMOUNT OF \$80,000.00 AND TVA WILL REIMBURSE MLGW IN THE AMOUNT OF \$40,000.00.**

APPROVED

22. **RESOLUTION APPROVING PAYMENT OF ANNUAL SUBSCRIPTION FEE TO THE DRINKING WATER RESEARCH PROGRAM OF THE AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION IN THE AMOUNT OF \$50,000.00, FOR YEAR BEGINNING MAY 1, 2008.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Strickland: Separate Item #9 for a separate discussion

Without Objection, Item #9 will be pulled from the Consent Agenda and voted on separately

MAIN MOTION: Boyd
SECOND: Morrison
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick
Brown did not cast a vote

APPROVED, with the exception of Item #9 which will be voted on separately below

MLGW FISCAL CONSENT - ITEM #9 , Set up as Special Item #1

9. **RESOLUTION APPROVING THE SELECTION OF NEPC, LLC, AS INVESTMENT MANAGEMENT CONSULTANT FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND, IN THE AMOUNT OF \$249,000.00 PLUS TRAVEL, UNDER CONTRACT NO. 11295. (HELD FROM 6/17; 7/1; 8/5)**

Chairman McCormick recognized the following person who spoke from the audience:

Fred Hodges, 240 Tuckahoe Lane, Mphs, TN 38117

MOTION: Boyd
 SECOND: Morrison
 AYES: Ford, Lowery, Morrison and Ware
 NAYS: Boyd, Brown, Collins, Flinn, Fullilove, Halbert, Hedgepeth, Strickland and
 Chairman McCormick

FAILED, set up as Special Item #1

43. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF E.H. CRUMP BOULEVARD; +138 FEET WEST OF S. THIRD STREET (180-182 SOUTH CRUMP), CONTAINING 1.01 ACRES IN THE SCBID GATEWAY COMMERCIAL DISTRICT.** (Held from 7/15)

Case No. SUP 07-215

Chairman McCormick recognized the following persons who spoke from the audience:

Cheryl R. Fisher, 1154 Walker, Mphs, TN 38126
 Airrion Lundy, 1944 Florida #2, Mphs, TN 38106
 W. W. Herenton, 5258 Hornlake Rd., Mphs, TN 38116

Applicant: Willie Nelson
 Tim McCaskill – Representative

Request: Hotel

LUCB and OPD recommendation: REJECTION

MOTION: Ware – Hold for two weeks or a month, if necessary, to give Council members a chance to look at the site and the plans that are in place

SECOND: Lowery

AYES: Lowery and Ware

NAYS: Boyd, Brown, Collins, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman McCormick
 Ford abstained

MAIN MOTION: Lowery

SECOND: Morrison

NAYS: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman McCormick

AYES: Lowery

FAILED

23. **APPOINTMENTS**

Animal Shelter Advisory Committee

Appointments

Michelle Buckalew
Allen N. Iskiwitz
Carol Smith Katz
Stephen H. Schwartz

Memphis City Beautiful Commission

Reappointments

Virginia Acuff
Reginald Milton

Memphis and Shelby County Board of Adjustment

Appointment

Zakiyyah M. Langford

Memphis and Shelby County Community Redevelopment Agency

Appointment

Ann W. Langston (Joint Appointment)

MOTION: Flinn
SECOND: Boyd
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Collins did not cast a vote

APPROVED

24. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE FOR THE APPROVAL OF DEPUTY DIRECTORS BY THE CITY COUNCIL AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5267

MOTION: Ware – Pull the Ordinance and substitute with a resolution – accept the letter from Administration

SECOND: Brown
AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland, Ware and Chairman McCormick
NAYS: Boyd, Lowery and Morrison

APPROVED, item dropped from the agenda and substituted with the letter from Administration. Set us as Special Item #3

25. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE FOR THE APPROVAL OF CONTRACTS BY THE CITY COUNCIL AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5268

MOTION: Ware – Withdraw the Ordinance and send the resolution to the O & M Budget Committee
SECOND: Hedgepeth
AYES: Brown, Collins, Ford, Halbert, Hedgepeth, Strickland, Ware and Chairman McCormick
NAYS: Boyd, Flinn, Fullilove, Lowery and Morrison

APPROVED, item dropped from the agenda and substituted with a resolution that will go to O & M Budget Committee on September 9, 2008. Set up as Special Item #4

26. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SO AS TO ALLOW PERSONS EMPLOYED WITH THE CITY'S DIVISION OF POLICE SERVICES AFTER THIS DATE TO BE EXEMPTED FROM THE RESIDENCY PROVISIONS OF THE MEMPHIS CITY CHARTER AND ALLOWED TO RESIDE WITHIN TWENTY (20) MILES OF THE COUNTY LINE OF SHELBY COUNTY, TENNESSEE; AND PROVIDED EACH NON-RESIDENT SO EMPLOYED AGREES TO PAY AN ANNUAL FEE TO BE DEDUCTED BY PAYROLL ON A MONTHLY BASIS, FOR AS LONG AS EACH PERSON RESIDES OUTSIDE OF THE CITY AND FOR AS LONG AS EACH SUCH PERSON IS SO EMPLOYED BY THE CITY AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD ON NOVEMBER 4, 2008, UP FOR T H I R D F I N A L READING.**

Ordinance No. 5269

MOTION: Ford – Drop the Ordinance
SECOND: Brown
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED, Ordinance dropped from the agenda. Set up as Special Item #5

46. **RESOLUTION TO TRANSFER THE HIRING PROCESS OF POLICE OFFICERS TO THE HUMAN RESOURCES DIVISION.** (Held from 6/17; 7/1; 7/15; 8/5)

MOTION: Halbert – Withdraw resolution

Without Objection, Item dropped from the agenda

27. **RESOLUTION APPROPRIATING \$1,140,000.00 IN G.O. BONDS GENERAL, CIP PROJECT NUMBER IS01049 TO IMPLEMENT ENTERPRISE-WIDE INTEGRATION OF MULTIPLE DATA MANAGEMENT SYSTEMS IN ORDER TO ACHIEVE A COMMON REPOSITORY OF DATA.**

MOTION: Fullilove

SECOND: Hedgepeth

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

28. **RESOLUTION APPROPRIATING \$375,000.00 IN G.O. BONDS GENERAL, CIP PROJECT NUMBER IS01053 TO DEVELOP THE REQUIREMENTS, RFP AND TO ASSIST WITH VENDOR SELECTION TO REPLACE THE OBSOLETE LEGACY TREASURY SYSTEM.**

MOTION: Collins

SECOND: Strickland

AYES: Boyd, Brown, Collins, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Flinn and Fullilove did not cast a vote

APPROVED

29. **RESOLUTION APPROPRIATING \$2,300,480.00 FUNDED BY G.O. BONDS GENERAL FOR FIRE STATION REPAIR, CIP PROJECT NUMBER FS02001.**

MOTION: Hedgepeth

SECOND: McCormick

AYES: Boyd, Brown, Collins, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Flinn and Fullilove did not cast a vote

APPROVED

30. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF ONE MILLION NINE HUNDRED TWENTY NINE DOLLARS (\$1,000,929.00) FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY – FEMA FOR THE URBAN SEARCH AND RESCUE TASK FORCE TO SUSTAIN ANNUAL READINESS FUNDING OF TENNESSEE TASK FORCE ONE. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS AND MATCHING FUNDS IN THE AMOUNT OF ONE MILLION NINE HUNDRED TWENTY NINE DOLLARS (\$1,000,929.00).**

MOTION: Hedgepeth

SECOND: Strickland

AYES: Boyd, Brown, Collins, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Flinn and Fullilove did not cast a vote

APPROVED

31. **RESOLUTION REQUESTING CITY COUNCIL APPROVAL OF THE AGREEMENT BETWEEN THE CITY OF MEMPHIS, TENNESSEE THROUGH ITS DIVISION OF PARK SERVICES AND THE UNIVERSITY OF TENNESSEE TO PROVIDE ADDITIONAL MAINTENANCE, SECURITY AND OTHER ENHANCEMENTS TO FORREST PARK. THE INITIAL TERM FOR THIS AGREEMENT IS TO BE ONE (1) YEAR AND WILL BE RENEWABLE EVERY YEAR UNLESS TERMINATED BY EITHER THE CITY OR THE UNIVERSITY OF TENNESSEE.**

MOTION: Strickland – 5 year term

SECOND: Ware

AYES: Boyd, Collins, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman McCormick

NAYS: Brown, Fullilove and Ware

APPROVED, as amended

32. **RESOLUTION ACCEPTING ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$300,000.00 FROM THE STATE OF TENNESSEE, OFFICE OF JUSTICE PROGRAM TO CONTINUE TO IMPLEMENT THE INTERNET CRIMES AGAINST CHILDREN INITIATIVE TO ENHANCE INVESTIGATIONS AND INCREASE FORENSIC CAPABILITIES. RESOLUTION ALSO AMENDS FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE \$300,000.00 IN GRANT FUNDS FOR THE FY 09 FISCAL YEAR.**

MOTION: Hedgepeth

SECOND: Strickland

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown and Halbert did not cast a vote

APPROVED

33. **RESOLUTION REQUESTING THAT AN AUDIT INVESTIGATION BY THE INTERNAL AUDIT DEPARTMENT AND/OR THE CIVILIAN LAW ENFORCEMENT REVIEW BOARD BE CONDUCTED OF MEMPHIS POLICE DEPARTMENT POLICIES, PROTOCOLS, PROCEDURES, CITIZEN COMPLAINT PROCESSES AND INTERNAL AFFAIRS TO DETERMINE CORRECTIVE ACTIONS WHICH WILL ENSURE THAT THE HUMAN AND CIVIL RIGHTS OF CITIZENS ARE PROTECTED.**

MOTION: Hedgepeth & Fullilove – Send back to Public Safety Committee

APPROVED, item sent back to Committee on September 9th

34. **RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT WITH WESPAC PIPELINES – MEMPHIS, LLC, AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON JUNE 24, 2008.**

MOTION: Collins

SECOND: Fullilove

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown did not cast a vote

APPROVED

36. **RESOLUTION APPROVING A TWO (2) YEAR TIME EXTENSION BETWEEN GEORGIA AVENUE AND WEST CAROLINA AVENUE, CONTAINING 6,502 SQUARE FEET IN THE BLUFFVIEW RESIDENTIAL (R-B) DISTRICT.**

Case No. SAC 06-618

Applicant: Georgia Riverside, LLC

Request: Close and Vacate Street/Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Ford

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown and Hedgepeth did not cast a vote

APPROVED

37. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE WEST SIDE OF MILLBRANCH ROAD, 374 FEET SOUTH OF HESTER ROAD INTERSECTION, CONTAINING 0.32 ACRE IN THE LIMITED OFFICE (O-L) DISTRICT.**

Case No. UV 08-06

Applicant: Senrab, Inc.

Request: Beauty/Barber Shop

OPD recommendation: REJECTION

LUCB recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Lowery

SECOND: Hedgepeth

A substitute motion was made by Mrs. Ware to accept the applicant's changes

AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Boyd did not cast a vote

APPROVED, as amended. Applicants changes accepted

38. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF E. SHELBY DRIVE; +/-1,643 FEET EAST OF RIVERDALE ROAD, CONTAINING 6.42 ACRES IN AN AREA CURRENTLY GOVERNED BY SHELBY DRIVE/GERMANTOWN ROAD PLANNED DEVELOPMENT (P.D. 05-353CC).**

Case No. PD 08-312cc

Applicant: Mickell Lowery
ETI Corporation – Representative

Request: Planned development amendment to allow a Community Recreation Center

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Ware

AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman McCormick
Lowery recused

Boyd did not cast a vote

APPROVED, as amended

39. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF FITE ROAD; +800.6 FEET EAST OF NORTH WATKINS STREET, CONTAINING 5.79 ACRES LOCATED IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 08-313cc

Applicant: Dr. Neal & Susan Aguillard
Homer Branan, Atty. – Representative

Request: A planned development to permit the customizing, repairing, brokering and manufacturing of antique, sporting and collectible firearms and their parts and accessories

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Ford

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

40. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF PRESCOTT ROAD; +/- 753.47 FEET SOUTH OF WINCHESTER ROAD, CONTAINING 4.95 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) DISTRICT.**

Case No. PD 08-316

Applicant: Airfield Etc., Inc.
Stephanie Poole – Representative

Request: Planned development to allow an electrical contractor's office with outdoor storage, including an accessory material and equipment storage building

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Morrison

AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Boyd and Hedgepeth did not cast a vote

APPROVED

41. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF PEABODY AVENUE AND LEMASTER STREET, CONTAINING 2.22 ACRES IN THE SINGLE FAMILY RESIDENTIAL HISTORICAL CONSERVATION (R-S6(HC)) DISTRICT.**

Case No. PD 08-319

Applicant: Grace St. Luke's Episcopal Church
Tom Beazley – Representative

Request: A planned development to permit institutional uses consisting of a private, church sponsored, day school (grades Pre K-9)

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Strickland

AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Flinn and Hedgepeth did not cast a vote

APPROVED

44. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF COLLIERVILLE-ARLINGTON ROAD; +/-5,600 FEET SOUTH OF MACON ROAD, CONTAINING 35.27 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 08-205cc

Applicant: Collierville First Baptist Church
Fisher & Arnold, Inc. – Representative

Request: Special Use Permit to allow recreational and sports field lighting

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Morrison

AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Flinn and Hedgepeth did not cast a vote

APPROVED, as amended

45. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTH SIDE OF LOCKE-CUBA ROAD; +/-865 FEET WEST OF WOODSTOCK-CUBA ROAD, CONTAINING 48.50 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 08-216cc

Applicant: Habitat for Hope
Fisher & Arnold, Inc. – Representative

Request: Special Use Permit to allow a philanthropic institution, including residential cottages, nature trail, horse and barn stables, resident managers' quarters and an open recreation field

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Morrison

AYES: Boyd, Brown, Collins, Flinn, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Ford and Hedgepeth did not cast a vote

APPROVED

53. **RESOLUTION AMENDING THE SITE PLAN CONDITIONS OF A SPECIAL USE PERMIT TO CONFORM WITH THOSE APPROVED BY THE COUNTY BOARD OF COMMISSIONERS ON AUGUST 5, 2008. THE CITY COUNCIL ADOPTED THIS JOINT RESOLUTION ON JUNE 17, 2008 WITH THE CONDITIONS AS ORIGINALLY RECOMMENDED BY THE LAND USE CONTROL BOARD.**

Case No. SUP 08-207cc

Located on the northside of Independence Road; +250 feet east of Woodstock-Cuba Road, containing 10,000 square feet in the Floodway (FW) and Agricultural (AG) District

Applicant: Global Tower, LLC
Gloria Allmond, Baran Telecom/Shawn Massey, CCIM – Rep.

Request: 195 foot CMCS monopole cell tower

Recommendation: County Board of Commissioners: APPROVAL, with conditions

MOTION: Lowery

SECOND: Boyd

AYES: Boyd, Brown, Collins, Flinn, Fullilove, Halbert, Lowery, Morrison, Strickland and Chairman McCormick
Ford, Hedgepeth and Ware did not cast a vote

APPROVED

50. **RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF MEMPHIS, TENNESSEE AND THE BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS.**

Chairman McCormick recognized the following persons who spoke from the audience:

Stephanie Fitzgerald, 126 Flicker St., Mphs, TN 38104

Johnnie R. Turner, 752 W. Levi Rd., Mphs, TN 38109

MOTION: Halbert

SECOND: Flinn

AYES: Boyd, Brown, Collins, Flinn, Fullilove, Halbert, Lowery, Morrison, Strickland,
Ware and Chairman McCormick
Ford recused
Hedgepeth did not cast a vote

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of August 5, 2008 with the following motion:

MOTION: Lowery

SECOND: Boyd

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Hedgepeth did not cast a vote

APPROVED

52. **RESOLUTION COMMEMORATING THE LIFE OF ISAAC HAYES.**

MOTION: Lowery

SECOND: Brown

APPROVED, by unanimous voice vote

51. **RESOLUTION THANKING CHAIRMAN SCOTT MCCORMICK FOR HIS SERVICE AS A CITY COUNCILMAN.**

MOTION: Lowery

SECOND: Brown

APPROVED, by unanimous vote

Chairman McCormick recognized the following person who spoke from the audience:

Minister Suhkara Yahweh, 775 Porter St., Mphs, TN 38126

ADJOURNED MEETING AT 8:35 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records